

IN THE FIFTH DISTRICT COURT OF UTAH IN AND FOR IRON COUNTY

IN RE: GENERAL DETERMINATION OF
WATER RIGHTS IN ESCALANTE
VALLEY

ORDER DISMISSING PROTEST
Claim No. 502--Sam Cline
(D. E. Kirk, successor)

The State Engineer, in his Proposed Determination herein, having disallowed Claim No. 502 in the name of Sam Cline, and a protest having been filed February 10, 1950 against such disallowance, and a hearing having been had on said protest on December 10, 1959, Sam Cline Esq. appearing for J. D. Kirk, executor of the estate of D. E. Kirk, deceased, the successor in interest of said claimant, and Robert B. Porter Deputy Attorney General appearing for the State Engineer, and E. J. Skeen Esq. appearing for certain other water users, and the court having heard and duly considered the testimony and evidence submitted now finds:

1. That the well or sump involved in this claim was dug in the year 1922. That approximately 30 acres of land was irrigated from this well or sump in that year and possibly for two or three years next following. That there has been no irrigation of any land from this well or sump since the year 1925.

2. That no underground water claim or any notice of claim for this well or sump^{or} for a water right upon the land involved in this claim was filed until January 3, 1938.

The court concludes that by reason of such period of non-user and by reason of no notice of claim being filed within the period required by Sec. 100-5-12 of Chapter 105, Laws of Utah 1935, the said water claim was properly disallowed. It is therefore

ORDERED that the protest against the disallowance of Claim No. 502 is hereby dismissed.

Done this 13 June 1961.


Judge

Copies of above order mailed 13 June 1961 to:
Ballin Jensen, Assistant Attorney General, State Capitol, Salt Lake City, Utah
Sam Cline, Attorney, Milford, Utah
E. J. Skeen, Attorney, Utah Oil Bldg., Salt Lake City, Utah